

1-1 By: Ellis, Williams S.B. No. 143  
1-2 (In the Senate - Filed November 26, 2002; January 29, 2003,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 29, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 29, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 143 By: Ellis

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the prosecution of the offense of failure to report  
1-11 child abuse.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 12.02, Code of Criminal Procedure, is  
1-14 amended to read as follows:

1-15 Art. 12.02. MISDEMEANORS. (a) Except as provided by  
1-16 Subsection (b), an [An] indictment or information for any  
1-17 misdemeanor may be presented within two years from the date of the  
1-18 commission of the offense, and not afterward.

1-19 (b) An indictment or information for failure to report abuse  
1-20 or neglect under Section 261.109, Family Code, may be presented  
1-21 within 10 years from the 18th birthday, and not afterward, of the  
1-22 child whose physical or mental health or welfare has been or may  
1-23 have been adversely affected by abuse or neglect constituting an  
1-24 offense under:

1-25 (1) indecency with a child under Section 21.11 (a)(1)  
1-26 or (2), Penal Code;

1-27 (2) sexual assault under Section 22.011(a)(2), Penal  
1-28 Code; or

1-29 (3) aggravated sexual assault under Section  
1-30 22.021(a)(1)(B), Penal Code.

1-31 SECTION 2. (a) This Act takes effect September 1, 2003.

1-32 (b) The change in law made by this Act to Article 12.02, Code  
1-33 of Criminal Procedure, does not apply to an offense if the  
1-34 prosecution of that offense became barred by limitation before the  
1-35 effective date of this Act. The prosecution of that offense remains  
1-36 barred as if this Act had not taken effect.

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